

# **Exhibit 1**

**From:** [Jones, Stanton](#)  
**To:** [Alyssa Riggins](#); [Theodore, Elisabeth](#); [Cassie Holt](#); [Ferenc, Sam](#); [Eddie Speas](#); [CMackie@poynerspruill.com](mailto:CMackie@poynerspruill.com); [Steed, Terence](#); [Babb, Mary Carla \(Hollis\)](#)  
**Cc:** [Phil Strach](#); [McKnight, Katherine L.](#); [Lewis, Patrick T.](#); [Raile, Richard](#); [Prouty, Erika Dackin](#); [Stanley, Trevor M.](#); [Hooper, Rachel Palmer](#); [Doyle, Ty](#); [Jordan Koonts](#)  
**Subject:** RE: Pierce v. NCSBE - EDNC No. 4:23-CV-193-D  
**Date:** Monday, August 19, 2024 8:17:10 AM  
**Attachments:** [image001.png](#)

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[External Email: Use caution when clicking on links or opening attachments.]

Alyssa et al.: We have some updates and questions regarding further expert discovery.

Given that Legislative Defendants provided four expert reports totaling well over 100 pages, including analysis of totality-of-the-circumstances factors not addressed in our experts' initial reports, we plan to request a 10-day extension, until September 9, to serve our rebuttal expert reports. We note that this period to serve our rebuttal reports (August 16 to September 9) is consistent with the time that Legislative Defendants proposed for our rebuttal reports in their July 1 scheduling submission (July 15 to August 9). The requested extension will not affect any other aspect of the scheduling order. We do not intend to disclose any new experts at this stage, and so the scheduling order's September 13 deadline for possible additional expert reports from defendants is now moot. That means that, even with the requested extension, expert disclosures will be completed four days earlier than provided for under the scheduling order. Please let us know as soon as possible if Legislative Defendants and State Board Defendants consent to the 10-day extension.

We also wanted to raise the schedule and protocol for expert depositions. Per Alyssa's other email of yesterday, we can depose Dr. Taylor on September 24, which was one of the dates he offered. Our expert Blake Esselstyn is currently living in the Netherlands and has no plans to be in the United States in September, so we'd like to do his deposition remotely. And if defendants are open to it, we'd be willing to do all the expert depositions on both sides remotely. Please let us know if Mr. Esselstyn's deposition can be remote, and if you'd like to do all the expert depositions remotely. We'll also discuss availability with our experts and propose dates/times soon.

We're happy to discuss any of this.

Regards,  
Stanton

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**From:** Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>  
**Sent:** Sunday, August 18, 2024 5:09 PM  
**To:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; Cassie Holt <[cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Ferenc, Sam <[Sam.Ferenc@arnoldporter.com](mailto:Sam.Ferenc@arnoldporter.com)>; Eddie Speas <[espeas@poynerspruill.com](mailto:espeas@poynerspruill.com)>; zzz.External.CMackie@poynerspruill.com <[CMackie@poynerspruill.com](mailto:CMackie@poynerspruill.com)>; Steed, Terence <[Tsteed@ncdoj.gov](mailto:Tsteed@ncdoj.gov)>; Babb, Mary Carla (Hollis) <[MCBabb@ncdoj.gov](mailto:MCBabb@ncdoj.gov)>  
**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; McKnight, Katherine L.

<kmcknight@bakerlaw.com>; Patrick T. Lewis <plewis@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; Prouty, Erika Dackin <eprouty@bakerlaw.com>; Trevor M. Stanley <tstanley@bakerlaw.com>; rhooper@bakerlaw.com; tgdoyle@bakerlaw.com; Jordan Koonts <jordan.koonts@nelsonmullins.com>

**Subject:** RE: Pierce v. NCSBE - EDNC No. 4:23-CV-193-D

External E-mail

Elisabeth,

We've confirmed with Dr. Trende that the overlap in backup data stems from maps that are the same from the PI report and Friday's report. For example, the maps of Demonstrative A on page 26 of Friday's report are the same as those on pages 6 and 7 of the PI report. The only backup data produced on December 22, 2023 was for the dotplot and chloropleth maps. Therefore, the entirety of the 12/22/23 backup data is also applicable to this report. Just to make sure that everyone has everything we will transmit that backup again via titanfile.

Additionally, it has come to our attention that due to Dr. Taylor's heavy fall teaching schedule there are only three full days in September that he is available for a deposition. We wanted to go ahead and make you aware of those dates: 9/12, 9/17, and 9/24, in the hopes that we can make one of them work. Please let us know if one of those dates works on your end so that we can put a hold on it as soon as possible.

Best,  
Alyssa



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**From:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>

**Sent:** Sunday, August 18, 2024 1:45 PM

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**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; McKnight, Katherine L.

<[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Patrick T. Lewis <[plewis@bakerlaw.com](mailto:plewis@bakerlaw.com)>; Raile, Richard <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Prouty, Erika Dackin <[eprouthy@bakerlaw.com](mailto:eprouthy@bakerlaw.com)>; Trevor M. Stanley <[tstanley@bakerlaw.com](mailto:tstanley@bakerlaw.com)>; [rhooper@bakerlaw.com](mailto:rhooper@bakerlaw.com); [tgdoyle@bakerlaw.com](mailto:tgdoyle@bakerlaw.com); Jordan Koonts <[jordan.koonts@nelsonmullins.com](mailto:jordan.koonts@nelsonmullins.com)>

**Subject:** RE: Pierce v. NCSBE - EDNC No. 4:23-CV-193-D

Let me amend: we are not seeking the reproduction of the file that contained backup data that he served previously with the earlier report, but to the extent there is backup data contained within that previous production that is applicable to the current report and that was not contained in his production on Friday, we are seeking a production limited to that category.

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**From:** Theodore, Elisabeth

**Sent:** Sunday, August 18, 2024 1:43 PM

**To:** Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; Cassie Holt <[cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Ferenc, Sam <[Sam.Ferenc@arnoldporter.com](mailto:Sam.Ferenc@arnoldporter.com)>; Eddie Speas <[espeas@poynerspruill.com](mailto:espeas@poynerspruill.com)>; [zzz.External.CMackie@poynerspruill.com](mailto:zzz.External.CMackie@poynerspruill.com) <[CMackie@poynerspruill.com](mailto:CMackie@poynerspruill.com)>; Steed, Terence <[Tsteed@ncdoj.gov](mailto:Tsteed@ncdoj.gov)>; Babb, Mary Carla (Hollis) <[MCBabb@ncdoj.gov](mailto:MCBabb@ncdoj.gov)>  
**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; McKnight, Katherine L. <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Patrick T. Lewis <[plewis@bakerlaw.com](mailto:plewis@bakerlaw.com)>; Raile, Richard <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Prouty, Erika Dackin <[eprouthy@bakerlaw.com](mailto:eprouthy@bakerlaw.com)>; Trevor M. Stanley <[tstanley@bakerlaw.com](mailto:tstanley@bakerlaw.com)>; [rhooper@bakerlaw.com](mailto:rhooper@bakerlaw.com); [tgdoyle@bakerlaw.com](mailto:tgdoyle@bakerlaw.com); Jordan Koonts <[jordan.koonts@nelsonmullins.com](mailto:jordan.koonts@nelsonmullins.com)>

**Subject:** RE: Pierce v. NCSBE - EDNC No. 4:23-CV-193-D

Alyssa:

It is (1). We want to make sure that we have the correct compilation of materials that are applicable to the current report.

Thanks,  
Elisabeth

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**From:** Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>

**Sent:** Sunday, August 18, 2024 1:39 PM

**To:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; Cassie Holt <[cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Ferenc, Sam <[Sam.Ferenc@arnoldporter.com](mailto:Sam.Ferenc@arnoldporter.com)>; Eddie Speas <[espeas@poynerspruill.com](mailto:espeas@poynerspruill.com)>; [zzz.External.CMackie@poynerspruill.com](mailto:zzz.External.CMackie@poynerspruill.com) <[CMackie@poynerspruill.com](mailto:CMackie@poynerspruill.com)>; Steed, Terence <[Tsteed@ncdoj.gov](mailto:Tsteed@ncdoj.gov)>; Babb, Mary Carla (Hollis) <[MCBabb@ncdoj.gov](mailto:MCBabb@ncdoj.gov)>  
**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; McKnight, Katherine L. <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Patrick T. Lewis <[plewis@bakerlaw.com](mailto:plewis@bakerlaw.com)>; Raile, Richard <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Prouty, Erika Dackin <[eprouthy@bakerlaw.com](mailto:eprouthy@bakerlaw.com)>; Trevor M. Stanley <[tstanley@bakerlaw.com](mailto:tstanley@bakerlaw.com)>; [rhooper@bakerlaw.com](mailto:rhooper@bakerlaw.com); [tgdoyle@bakerlaw.com](mailto:tgdoyle@bakerlaw.com); Jordan Koonts

<[jordan.koonts@nelsonmullins.com](mailto:jordan.koonts@nelsonmullins.com)>

**Subject:** RE: Pierce v. NCSBE - EDNC No. 4:23-CV-193-D

External E-mail

Elisabeth,

For clarity, is it that Plaintiffs are seeking: (1) the re-production of Dr. Trende's backup data already produced on December 22, 2023; or (2) additional backup data that you believe is missing? If it's the latter, please specify what you believe is missing so that we can work with Dr. Trende to get that over to you.

Best,  
Alyssa



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**From:** Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>

**Sent:** Sunday, August 18, 2024 1:11 PM

**To:** Cassie Holt <[cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com)>; Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Ferenc, Sam <[Sam.Ferenc@arnoldporter.com](mailto:Sam.Ferenc@arnoldporter.com)>; Eddie Speas <[espeas@poynerspruill.com](mailto:espeas@poynerspruill.com)>; CMackie@poynerspruill.com; Steed, Terence <[Tsteed@ncdoj.gov](mailto:Tsteed@ncdoj.gov)>; Babb, Mary Carla (Hollis) <[MCBabb@ncdoj.gov](mailto:MCBabb@ncdoj.gov)>

**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; McKnight, Katherine L. <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Patrick T. Lewis <[plewis@bakerlaw.com](mailto:plewis@bakerlaw.com)>; Raile, Richard <[rRaile@bakerlaw.com](mailto:rRaile@bakerlaw.com)>; Prouty, Erika Dackin <[eprouthy@bakerlaw.com](mailto:eprouthy@bakerlaw.com)>; Trevor M. Stanley <[tstanley@bakerlaw.com](mailto:tstanley@bakerlaw.com)>; [rhooper@bakerlaw.com](mailto:rhooper@bakerlaw.com); [tgdoyle@bakerlaw.com](mailto:tgdoyle@bakerlaw.com); Jordan Koonts <[jordan.koonts@nelsonmullins.com](mailto:jordan.koonts@nelsonmullins.com)>

**Subject:** RE: Pierce v. NCSBE - EDNC No. 4:23-CV-193-D

Cassie:

Dr. Trende's report indicates that some backup materials for his report are not included in the backup data you sent Friday, but are instead in backup data that was produced with respect to an earlier report. Could you please send us as soon as possible all the backup materials that are related to this report?

Thanks,  
Elisabeth

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**From:** Cassie Holt <[cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com)>  
**Sent:** Friday, August 16, 2024 8:01 PM  
**To:** Jones, Stanton <[Stanton.Jones@arnoldporter.com](mailto:Stanton.Jones@arnoldporter.com)>; Theodore, Elisabeth <[Elisabeth.Theodore@arnoldporter.com](mailto:Elisabeth.Theodore@arnoldporter.com)>; Ferenc, Sam <[Sam.Ferenc@arnoldporter.com](mailto:Sam.Ferenc@arnoldporter.com)>; Eddie Speas <[espeas@poynerspruill.com](mailto:espeas@poynerspruill.com)>; [zzz.External.CMackie@poynerspruill.com](mailto:zzz.External.CMackie@poynerspruill.com) <[CMackie@poynerspruill.com](mailto:CMackie@poynerspruill.com)>; Steed, Terence <[Tsteed@ncdoj.gov](mailto:Tsteed@ncdoj.gov)>; Babb, Mary Carla (Hollis) <[MCBabb@ncdoj.gov](mailto:MCBabb@ncdoj.gov)>  
**Cc:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; McKnight, Katherine L. <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; Patrick T. Lewis <[plewis@bakerlaw.com](mailto:plewis@bakerlaw.com)>; Raile, Richard <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Prouty, Erika Dackin <[eprouthy@bakerlaw.com](mailto:eprouthy@bakerlaw.com)>; Trevor M. Stanley <[tstanley@bakerlaw.com](mailto:tstanley@bakerlaw.com)>; [rhooper@bakerlaw.com](mailto:rhooper@bakerlaw.com); [tgdoyle@bakerlaw.com](mailto:tgdoyle@bakerlaw.com); Jordan Koonts <[jordan.koonts@nelsonmullins.com](mailto:jordan.koonts@nelsonmullins.com)>  
**Subject:** RE: Pierce v. NCSBE - EDNC No. 4:23-CV-193-D

External E-mail

Counsel,

Pursuant to the Scheduling Order, D.E. 81, and Fed. R. Civ. P. 26, Legislative Defendants disclose the following experts in the above-captioned matter:

1. Dr. John Alford;
2. Dr. Donald Critchlow;
3. Dr. Andrew Taylor; and
4. Dr. Sean Trende.

You should shortly receive a notification from Titanfile with a link to download their reports and backup data.

Please let us know if you have any trouble accessing it, or any of the other Titanfile links sent earlier this afternoon.

Thank you,

Cassie



---

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**Sent:** Friday, August 16, 2024 2:08 PM

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**Subject:** Pierce v. NCSBE - EDNC No. 4:23-CV-193-D

Counsel,

Attached please find materials Legislative Defendants received in response to the Subpoena of Representative Robert Reives in the above-captioned matter. We added bates stamps to the document productions, with permission, for organizational purposes.

Additionally, we received several large files in response to the subpoena that are too large to share via email. You should receive a Titanfile link this afternoon to access those materials.

Thank you,

Cassie



---

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